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WHEREAS, Plaintiff Malik Swinton filed this action on September 26, 2017 (ECF No. 1);

WHEREAS, on October 2, 2017, Plaintiff Malik Swinton, by and through is counsel of record, served copies of the summons, complaint, and order setting initial case management conference on the U.S. Attorney General in Washington D.C. and the Office of the United States Attorney, Northern District of California (civil process-clerk) in San Francisco via certified mail with return receipt pursuant to Rule 4 (ECF Nos. 8, 9);

WHEREAS, on December 7, 2017, plaintiff served the summons and complaint on the U.S. Attorney's Office in Oakland by personal service;

WHEREAS, counsel for the United States will be out of the office during the time when the joint case management statement is currently due; and

Accordingly, the parties stipulate as follows and respectfully request that the Court enter the proposed order below:

- 3) The initial Case Management Conference shall be on January 30, 2018 at 1:30 p.m.

1 IT IS SO STIPULATED.

2
3 DATED: December 20, 2017

CABLE GALLAGHER

4 By: /s/ Keith D. Cable*
5 KEITH D. CABLE

6 Attorneys for Plaintiff SWINTON

7
8 DATED: December 20, 2017

BRIAN J. STRETCH

9 United States Attorney

10 /s/Jonathan U. Lee

JONATHAN U. LEE

11 Assistant United States Attorney

12 Attorneys for the United States

13 **In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury*
14 *that each signatory has concurred in the filing of this document.*

15 **~~PROPOSED~~ ORDER**

16
17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 Dated: December 19, 2017

19 Kandis Westmore
20 HON. KANDIS A. WESTMORE
21 United States Magistrate Judge